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Dear Interested Party:

On July 18, 2006, the state legislature adjourned, which adversely disposed of Assembly Bill 10 and Senate Bill 10 pursuant to Senate Joint Resolution 86. What this means is that portions of the temporarily suspended rule, Ch. Trans 233, Wisconsin Administrative Code, return to full effect, EXCEPT for those portions noted in the June 16, 2005 published Court of Appeals decision in Wisconsin Builders Assn., et al. v. Wisconsin DOT, 2005 WI App 160; 285 Wis. 2d 472; 702 N.W.2d 433; 2005 Wisc. App. LEXIS 534.

So, in effect, Trans 233 as written in 2001 is no longer under suspension, but it now only applies to "subdivisions", as defined in s. 236.02(12), Wis. Stats., or the more restrictive definition under s. 236.45, Wis. Stats. Certified survey maps, deeds and condominium plats are not reviewed under Trans 233. Any restrictions placed on subdivision plats shall remain in effect and valid even if the land is subsequently re-divided.

Some specific changes to WisDOT's review of "subdivisions" under Trans 233 as result of the court decision and the lifting of the legislative suspension are:

1. The department will again review all Subdivisions and County plats abutting state highways.
2. The department will again review all Subdivisions that are separated from a state trunk highway or connecting highway by only unplatted lands that abut a state trunk highway or connecting highway if the unplatted lands are owned by, leased to or under option whether formal or informal, or under contract or lease to the owner. These are considered lands abutting state highways.
3. Improvements are again prohibited within Highway Setbacks. This means parking lots, detention ponds, driveways, etc.
4. The department will again reduce Setbacks on specific rural highways to 15' without a special exception.
5. All notes required on plats shall revert to the language required by the 2001 version of the rule.
6. The department will again charge a review fee of \$110.00.

Attached for your convenience is a copy of the rule as published in April 2006. The language for the notes is included in the rule. The abovementioned changes and the review fee shall become effective October 1, 2006. Any plats now under DOA consideration will not be subject to these changes. Any person submitting a subdivision for review on or after that date must pay the review fee.

Please feel free to call me with any questions at 608-266-2372. If I am unavailable, please call Ernie Peterson at 608-266-3589.

Sincerely,

Bonnie Tripoli  
Access Management Coordinator